

California Department of Fair Employment & Housing

Employment Bulletin

Date: July 30, 2002

Attn: California Employees and Employers

Subject: U.S. Supreme Court Decision (*Hoffman Plastic v. National Labor Relations Board*)

In April, the U.S. Supreme Court issued a decision (*Hoffman Plastic Compounds, Inc. v. National Labor Relations Board* (2002) 122 S.Ct. 1275) which addressed the right of undocumented workers to receive back pay for violations of the National Labor Relations Act. Since then, the Department of Fair Employment and Housing has received questions about whether it will continue to accept discrimination complaints from all employees, regardless of immigration status.

After reviewing the Supreme Court decision, the Department will continue to accept, investigate, and prosecute cases involving workplace discrimination without regard to the worker's immigration status. Further, the Department will not ask for information about the immigration status of any employee filing a complaint.

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